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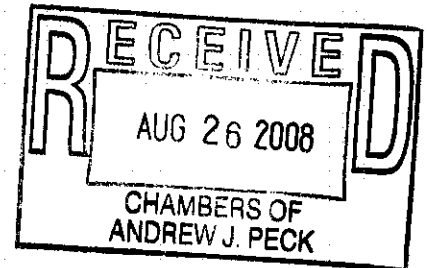
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August 26, 2008

VIA FACSIMILE
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The Honorable Andrew J. Peck
United States Magistrate Judge
United States District Court
Daniel Patrick Moynihan United States Courthouse
Southern District of New York
500 Pearl Street, Room 1370
New York, New York 10007



MEMO ENDORSED *p2*

Re: Discovision Associates v. Toshiba Corporation
08 CV 3693 (HB) (AJP) (S.D.N.Y.)
Our File D680-002

Dear Judge Peck:

We represent the defendant, Toshiba Corporation, in the above-captioned civil action. We write regarding the conference that is scheduled to take place before Your Honor on September 10, 2008, the subject matter of which is plaintiff Discovision Associates' proposed motion to compel discovery from Toshiba.

The Court has not yet been informed of the issues to be raised by Discovision's proposed motion to compel. Toshiba believes that the issues, though presented in the context of a discovery motion, could as a practical matter be case dispositive. Accordingly, Toshiba's counsel will be traveling from California to attend the conference. In an attempt to maximize the effectiveness and efficiency of this conference, we respectfully request that the Court allow the parties to submit brief papers identifying the issues that underlie Discovision's proposed Motion to Compel prior to the September 10th conference, with full briefing to follow the conference if the Court believes the Motion to Compel should proceed.

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The Honorable Andrew J. Peck

-2-

August 26, 2008

Respectfully submitted,

Frank J. Colucci
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FJC:gg

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Attorneys for Defendant, Toshiba Corporation

MEMO ENDORSED 9/12/08
I WILL READ MY SHORT
SUBMISSIONS THAT EITHER
SHE WANTS TO SUBMIT.

BY FAX

SO ORDERED:

Andrew J. Peck
Hon. Andrew J. Peck
United States Magistrate Judge

Frank J. Colucci - Fax
M. Gurnett - ECP
MEMO ENDORSED.

IT IS ORDERED that counsel to whom this Memo Endorsement is sent is responsible for faxing a copy to all counsel and retaining verification of such in counsel's case file. Do not fax or mail such verification to chambers.